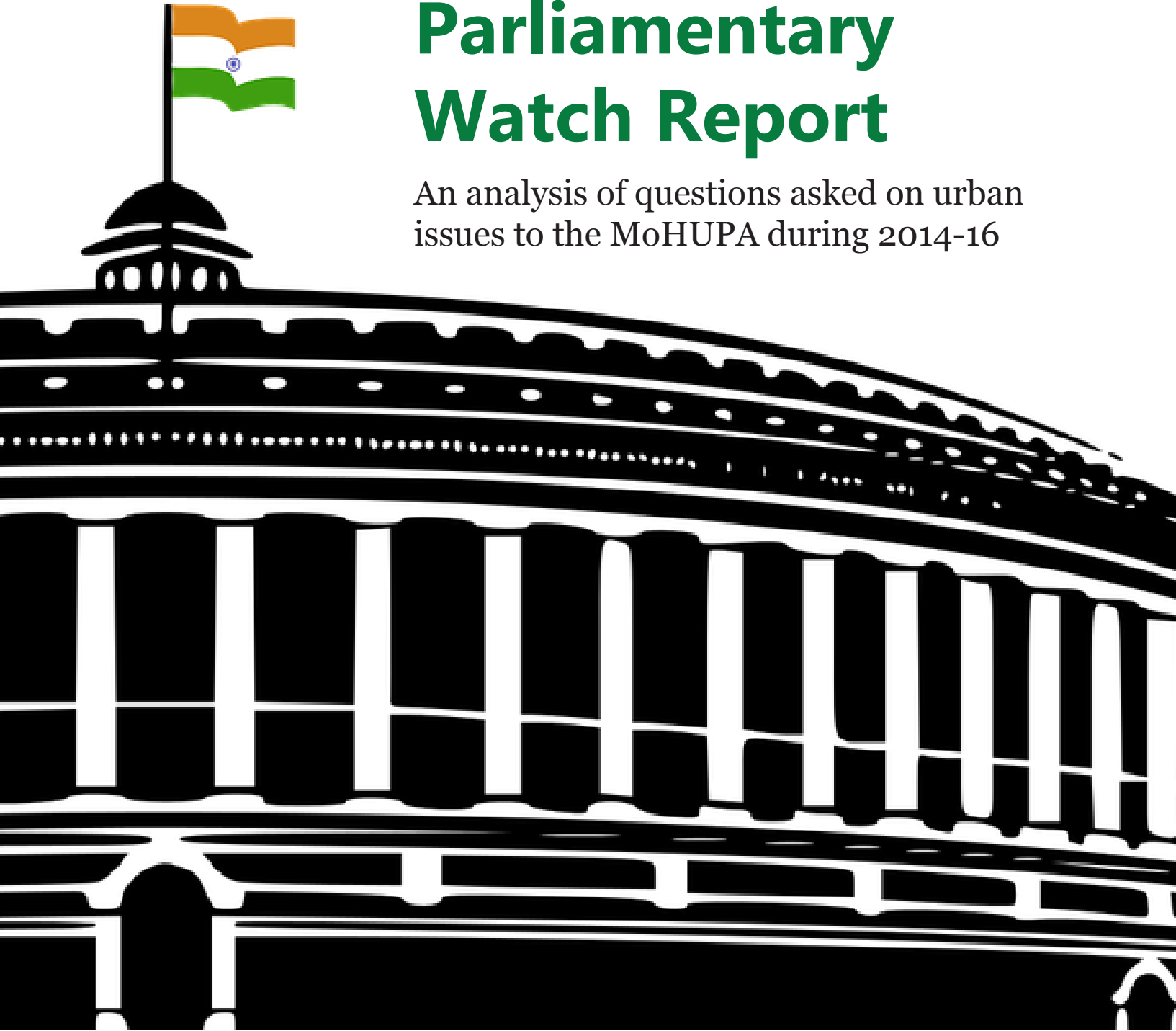City से

Parliamentary Watch Report

An analysis of questions asked on urban issues to the MoHUPA during 2014-16

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Youth for Unity and Voluntary Action (YUVA) is a non-profit development organisation that helps vulnerable groups access their rights. YUVA encourages the formation of people's collectives to engage them in the development discourse. This work is complemented with advocacy and policy recommendations. Set up in Mumbai in 1984, currently YUVA operates in 5 Indian states.

Website: www.yuvaindia.org
Email: info@yuvaindia.org
Twitter: @OfficialYUVA
Facebook: Youth for Unity and Voluntary Action - YUVA
Instagram: @OfficialYUVA
Blog: medium.com/@yuvaonline

2017

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CONTEXT

India has witnessed extraordinary growth in urban areas over the past decade, increasing from 286 million to 377 million between 2001 and 2011[1]. It is estimated that India's urban population will reach 583 million by 2030 and 814 million by 2050[2]. Given that there are already huge gaps with respect to urban housing such extraordinary growth will make the task of providing adequate housing and basic services to all even more daunting. The following section outlines the challenges related to urban housing from the perspective of the urban poor and Government of India's (GoI's) response to the same.

Urban Housing Shortage and Slums

A Technical Group on Urban Housing Shortage estimated the national urban housing shortage to be 18.78 million units at the end of 2012 and it is expected that this figure will increase to 34 million units by 2022[3] (Figure 1). Approximately 95 per cent of the housing shortage (17.96 million dwelling units) is for the Economically Weaker Sections (EWS) and Low Income Groups (LIG)[4] (Figure 2). This can be attributed to the fact that the housing produced by state and market is unaffordable for EWS and LIG households.
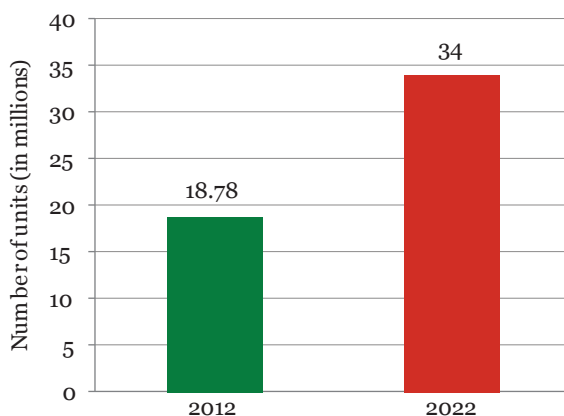
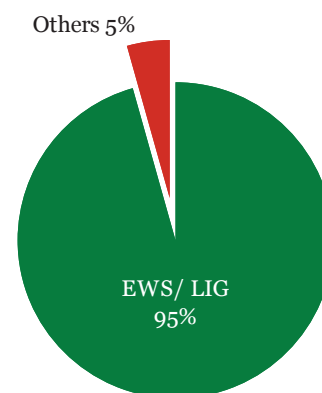Figure 1: Urban Housing Shortage (2012 and 2022)

Figure 2: Distribution of Urban Housing Shortage

In the absence of affordable housing options millions of urban residents are forced to live in underserviced and low quality housing in settlements that are referred to as "slums"[5]. Slums are characterized by poor housing conditions, limited access to basic amenities and social services, poor health outcomes, insecurity and unstable incomes and livelihoods. As per Census 2011 there were 13.92 million slum households in India, accounting for 17 percent of all urban households[6]. While the proportion of urban households living in slums decreased from 23.5 percent in 2001 to 17 percent in 2011, the absolute number of households living in slums increased from 10.15 million to 13.92 million during the same period[7]. India's slum population more than doubled, from 43 million in 2001 to 93 million in 2011 (Figure 3). It is projected to grow at 5% per year, adding nearly 2 million every year according to official Government data.

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[1] Source: Census 2011

[2] Source: UN World Urbanisation Prospects, 2014

[3] Source: Housing and Land Rights in India: Status Report for Habitat III, Housing and Land Rights Network, New Delhi, 2016

[4] Ibid

[5] Census of India defines a slum as a compact area with a population of at least 300 or 60–70 households of poorly built congested tenements in an unhygienic environment, usually built with inadequate infrastructure and lacking in proper sanitary and drinking water facilities.

[6] Source: Primary Census Abstract – Slums, Census 2011 (available at http://www.censusindia.gov.in/2011-Documents/Slum-26-09-13.pdf)
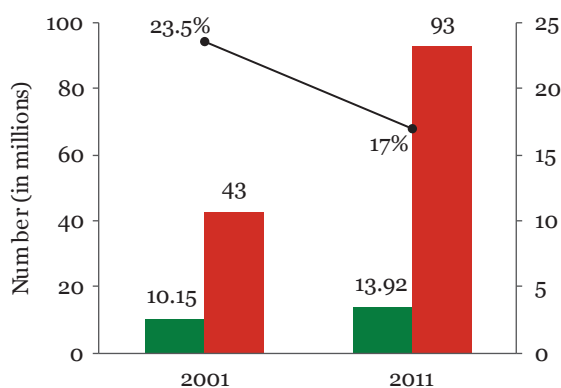
[7] Ibid
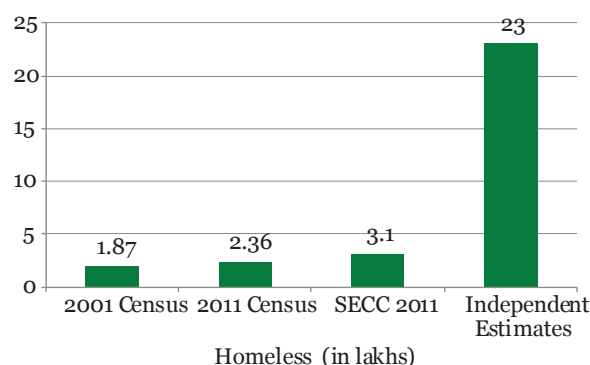
Figure 3: Slums – Households and Population (2001-2011)

Figure 4: Estimates of homelessness in India

Homelessness

Homelessness[8] is one of the worst violations of the human right to adequate housing[9]. As per Census 2011, 4.49 lakh households (1.77 million people[10]) were homeless in India, of which 52.9 percent (2.36 lakhs) were in urban areas. The number of homeless households in urban areas increased from 1.87 lakh in 2001 to 2.36 lakh households in 2011, an increase of 36.78 percent (Figure 4). Most of the social assistance schemes implemented by GoI are focussed on rural areas and aren't easily accessible to the urban poor[11].

Experts believe that the census figures on homelessness are an under estimation as definition of homelessness adopted by GoI doesn't take into account people who sleep in places where they work (such as labourers on construction sites) which arguably comprise a sizeable share of the homeless population in cities. Independent estimates place the total number of homeless persons in urban India at about 2.3 million[12].

MoHUPA's Response

GoI recognises urbanisation as a key driver of India's economic growth and places emphasis on the need for "inclusion". In order to promote equity in urbanization, GoI has passed laws, implemented missions, policies and schemes to address the needs of the urban poor. Despite these attempts by the GoI there remain stark gaps in mainstreaming the urban poor.

Housing: The GoI is committed to making housing available to all by 2020 through the Pradhan Mantri Awas Yojana – Housing for All (PMAY-HFA). The PMAY-HFA which was launched in 2015 seeks to facilitate the efforts of States / UTs in addressing the housing shortage belonging to EWS and LIG segments by constructing 20 million houses by 2022. Unfortunately, the design of this scheme is such that it is likely

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[8] GoI defines homeless households as families that do not live in "Census houses", but rather in the open — by roadsides, on pavements, in "hume" pipes, under flyovers and staircases, on railway platforms, and in the open at or near places of worship. Source: Census of India, 1991, p 64.

[9] Source: Housing and Land Rights in India: Status Report for Habitat III, Housing and Land Rights Network, New Delhi, 2016

[10] Of the total homeless population 65.3 percent are concentrated in five states, namely, Uttar Pradesh, Maharashtra, Rajasthan, Madhya Pradesh, Andhra Pradesh and Gujarat.

[11] According to Mohammed Tarique, coordinator of Koshish, a Tata Institute of Social Sciences (TISS) Field Action Project on Homelessness and Destitution. Source: http://indianexpress.com/article/explained/from-2001-to-2011-families-without-homes-increased-37-in-cities-fell-26-in-villages-4626823/

[12] Source: Housing and Land Rights in India: Status Report for Habitat III, Housing and Land Rights Network, New Delhi, 2016

[13] The program has four verticals, namely, slum rehabilitation with participation of private developers using land as a resource; promotion of affordable housing for economically weaker section through Credit Linked Subsidy Scheme (CLSS); affordable housing in partnership with public and private sectors; and subsidy for beneficiary-led individual house construction.

to leave out most of the urban poor who currently do not have access to housing. Some of these elements are detailed below:

1. The PMAY gives precedence to "cut off dates" issued by the State Governments/UTs, which will result in leaving out the most vulnerable segment of the urban poor i.e., the recent migrants. In Mumbai, for example, the cut-off date (01.01.2000) is likely to leave out more than 30 lakh people out of the ambit of the PMAY.

2. Those who have a *'pucca'* house in any part of the country are not eligible for accessing the PMAY. This is *contradictory* for two reasons. Firstly, many slums that have security of tenure are likely to a high number of *'pucca'* houses as households have progressively invested to improve their housing stock with their own resources. Secondly, many who migrate to urban areas may have *'pucca'* houses in their place of origin and migrate primarily for livelihood opportunities provided by urban areas. Both these groups are considered ineligible under PMAY.

3. Beneficiary families are assumed to be a husband, wife and unmarried children. However, there are an increasing number of single men and women in cities/ towns who are likely to get left out by this rather restricted definition of "beneficiary families".

The progress of the PMAY-HFA has been slow. As per data available from the Monitoring Division of the Ministry of Housing and Urban Poverty Alleviation (MoHUPA) 4,365 projects had been considered which cover 18.76 lakh households – of these only 1.02 lakh (5.43 percent) houses have been completed and 78,808 (4 percent) have been occupied as on 1st May 2017[14].

Homelessness: The National Urban Livelihoods Mission (NULM) is GoI's flagship program for reducing poverty and vulnerability of urban poor households and one of its sub components, the Scheme of Shelters for Urban Homeless (SUH), is aimed at "providing shelters equipped with essential services to the urban homeless in a phased manner"[15].

The implementation of SUH has been tardy. As per a report released in January 2016 by the National Legal Services Authority (NALSA) on the implementation of SUH "the laudable objective with which the NULM and the SUH were introduced hasn't been achieved due to ineffective implementation". The NALSA report brought to light that of the 1340 shelters planned under SUH only 653 (49 percent) had been sanctioned and that the present facility of shelter homes was insufficient in most States/UTs.

A strange paradox can be seen between the stated goal of the government and the legal framework, policies, missions and schemes that are implemented. The current policies and schemes are not necessarily "inclusive" and do not make sufficient provisions for mainstreaming the currently marginalised sections of the society. Furthermore, as seen in the section above the programs and schemes remain plagued by problems of implementation which continues to be the weakest link in the developmental chain.

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[14] Source: http://mhupa.gov.in/writereaddata/74_PMAY_Prgoress_as_on_01-5-2017_ForUpdate.pdf

[15] Under the Scheme of Shelters for Urban Homeless the GoI would fund 75 per cent of the construction cost of the shelters while the remaining 25 percent would be borne by the States/UTs. The GoI contribution goes up to 90 percent in case of special category states. The Urban Local Bodies have been entrusted with the responsibility of monitoring and evaluation of the Scheme.

STUDY DETAILS

Aims and Objectives

In the above stated background it is imperative for Civil Society Organizations (CSOs) to engage with the government to ensure that the legislations, policies, missions and schemes are designed in such a way that they are inclusive, people-centric and have special provisions to ensure that the rights of the currently marginalised and excluded sections like the urban poor are protected. The CSOs also need to play the role of a watchdog to hold the government accountable to its commitments. Engaging with debates and discussions that take place on the floor of the Parliament is a good starting point to enable CSOs/citizens to keep a 'watch' on the institutions of governance. This is the main objective of the Housing and Land Parliamentary Watch.

The main aim of this research is to examine the number and quality of questions raised by people's representatives in both Houses of the Parliament (Lok Sabha and Rajya Sabha) on urban issues related to land and housing. The research covers all sessions (Budget, Monsoon and Winter) across three years 2014-2016. The study covers Session 2 to 10 of the 16th Lok Sabha and 232nd to 241st session of the Rajya Sabha across 2014-2016.

The research includes an in-depth study of a sample of questions posed to the erstwhile Ministry of Housing and Urban Poverty Alleviation (MoHUPA) to identify the following:

- The key issues pertaining to which questions were being asked by people's representatives;

- The quality of the questions in terms of whether the questions were backed by significant research and whether they were well articulated to seek direct answers from the government; and

- The government's response to the questions posed by people's representatives.

STUDY FINDINGS

A Veil of Silence around Issues Related to Land and Housing

The elected representatives have been largely silent about issues related to urban land and housing. This is evident from the data on the number of question posed to MoHUPA as a proportion of total questions raised in the Parliament during the period 2014-16. Of the total questions (82,237) posed by elected representatives in both Houses of the Parliament only 1.1 percent (905 questions) were posed to MoHUPA. (Table 1 and Figure 5)

The silence about one of the most pertinent issues faced by largest number of urban population is not accidental; it is a very deliberate and calculated politics of chosen silence.
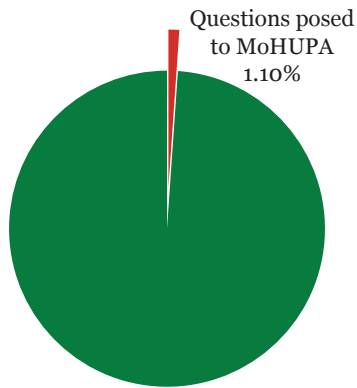
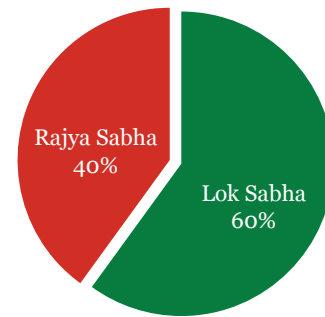Figure 5: Proportion of questions posed to MoHUPA in both Houses (2014-16)

Figure 6: Proportion of questions posed to MoHUPA in both Houses (2014-16)

Year	Questions posed to MoHUPA			Questions raised in Parliament	% of Questions posed to MoHUPA
	Lok Sabha	Rajya Sabha	Both Houses		
2014	151	167	318	30,589	1.04
2015	279	92	371	28,096	1.32
2016	113	103	216	23,552	0.92
2014-16	543	362	905	82,237	1.10

Table 1: Number of questions posed to MoHUPA in the Parliament (Lok Sabha and Rajya Sabha) during 2014-16

The elected representatives are more active in the Lok Sabha when it comes to raising questions on urban land and housing. Of the total questions posed to MoHUPA (905) while 543 (60 percent) were asked in the Lok Sabha only 362 were asked in the Rajya Sabha. (Table 1 and Figure 6)

A review of the data on number of questions related to urban land and housing posed in Parliament reveals that the proportion of questions posed to MoHUPA increased from 1.04 percent in 2014 to 1.32 percent in 2015 but then subsequently decreased to less than one percent (0.92 percent) in 2016.
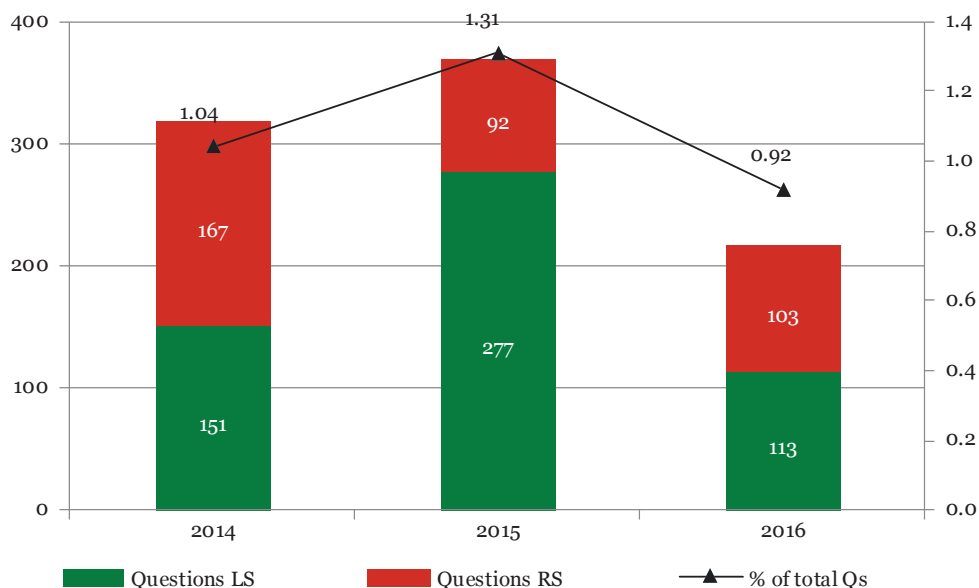

Figure 7: Trends in questions asked to MoHUPA, 2014-16

Further, of all questions posed to MoHUPA only 10 percent were starred i.e., a question where the person who asks the question desires an oral answer in the House and such a question is distinguished by an asterisk mark. When a question is answered orally, supplementary questions can be asked thereon.
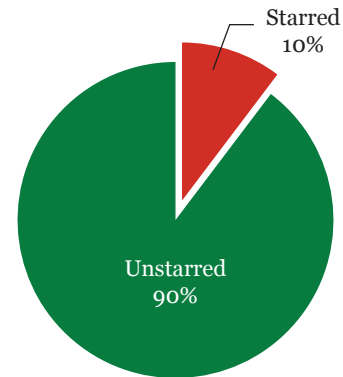

Figure 8: Proportion of starred questions in Lok Sabha (2014-16)

	Lok Sabha					Rajya Sabha					
	Questions posed to MoHUPA	Total Qs	%	Starred	%	Questions posed to MoHUPA	Total Qs	%	Questions posed to MoHUPA	Total Qs	%
2014 Summer	69	7,078	0.97	7	10.14	74	4,477	1.65	143	11,555	1.24
2014 Budget	29	2,588	1.12	6	20.69	57	3,526	1.62	86	6,114	1.41
2014 Winter	53	4,079	1.30	3	5.66	36	8,841	0.41	89	12,920	0.69
2014	151	13,745	1.10	16	10.60	167	16,844	0.99	318	30,589	1.04
2015 Summer	171	7,738	2.21	5	2.92	24	2,172	1.10	195	9,910	1.97
2015 Budget	64	7,670	0.83	9	14.06	39	2,873	1.36	103	10,543	0.98
2015 Winter	44	4,498	0.98	4	9.09	29	3,145	0.92	73	7,643	0.96
2015	279	19,906	1.40	18	6.45	92	8,190	1.12	371	28,096	1.32
2016 Summer	39	3,207	1.22	4	10.26	23	2,600	0.88	62	5,807	1.07
2016 Budget	34	4,997	0.68	13	38.24	40	3,401	1.18	74	8,398	0.88
2016 Winter	40	5,500	0.73	5	12.50	40	3,847	1.04	80	9,347	0.86
2016	113	13,704	0.82	22	19.47	103	9,848	1.05	216	23,552	0.92
2014-16	543	47,355	1.15	56	10.31	362	34,882	1.04	905	82,237	1.10

Table 2: Details of the questions posed to MoHUPA in both Houses of the Parliament (2014-16)

Question Hour: A Missed Opportunity

The question hour is considered sacrosanct as it provides opportunity to Members of Parliament (MPs) to cross examine the government closely and to hold it accountable. It is for this purpose that the question hour is considered inviolable.

Every MP has enough resources at their disposal, including a research team and an office which can facilitate well researched sets of questions relevant to the issues faced by people of their respective constituency. In spite of this, the list of questions that have been posed to the MoHUPA across 2014-16 clearly show that there are very few questions well researched, pointed and directed in a manner to get precise response and make the government accountable in a true sense. A review of the questions reveals that there were a large number of simplistic questions which makes it very easy for ministries / government to be able to escape without sharing much details and making any commitments.

What Are the Questions About?

A review of the questions posed to MoHUPA reveals that majority of questions have been on the following issues / themes – housing, slums, homelessness, rural urban migration, real estate, illegal construction. There were also some questions pertaining to livelihoods. (Refer Box 1)

Within the theme of housing, slums and homelessness most of the questions pertained to what are the GoI programs / schemes that are being implemented to address these issues. Many questions were asked about the PMAY-HFA, the MLAs have asked about details of the scheme and progress made in their state. Similarly under the thematic area of slums many questions asked have been about the numbers and conditions of slums. Under the thematic area of homelessness MLAs have asked questions about how many homeless people are there in the country and in various states, their living conditions and the schemes for providing shelter to the homeless. Most of this data is readily available in the public domain and thus is a missed opportunity to hold the government accountable.

When pointed questions have been asked by the MLAs the government's response has been to attribute the responsibility for providing housing to state governments and/or individual households.

Box 1: Grouping on questions posed to MoHUPA by elected representative as per common themes

Housing

- Housing for all – minority groups (SC,ST, EWS)
- Housing Policy – Housing to All by 2022
- Right to housing
- Affordable housing
- Pricing of housing
- Demand for housing

Homelessness

- Number of homeless
- NULM Shelter for the Homeless Scheme

Real Estate

- Real estate sector and its regulation

Livelihoods

- Street vendors

Slums

- Slums – numbers and conditions
- Rehabilitation of slum dwellers
- Projects for improvement of slums
- JNNURM (BSUP, IHSDP,), RAY, Rajiv Rinn Yojana

Rural Urban Migration

- Numbers
- Proposals for their stay

Illegal Construction

- Illegal construction

Others

- Displaced persons in Urban West Bengal
- Urban poverty status

What Has Been the Government's Response?

In response to many questions pertaining to housing, regulation of real estate and illegal constructions the government's response has been to put the responsibility on the state governments. The Minister, on numerous occasions, stated that "Land" and "Colonisation" are State subjects (as per Constitution of India) and it is thus the primary responsibility of State governments to provide affordable houses to the poor; to take note of the various issues in the real estate sector and resolve them; and to address illegal constructions.

In response to some questions on GoI's role in providing adequate housing, the Minister said that housing is a private good, and individuals make efforts over a period of time to acquire suitable housing as per their needs implying that government doesn't have much role to play. The Minister also went on to say that the price of housing is market driven (based on demand and supply of housing stock) and the government can't play any role in controlling prices of housing. He said that GoI is making attempts to ensure affordability through various schemes and went on to mention schemes including JNNURM (IHSDP, BSUP), RAY, AHP and PMAY.

With respect to a question on making housing affordable for the poor by addressing the high stamp duty charges for registration of housing for the urban poor, the Minister shared that his Ministry has written to State Chief Ministers and it is up to them to reduce stamp duty or waive it off completely for the affordable housing projects.

With respect to the draft National Urban Rental Housing Policy which talks about financial and non-financial incentives to promote rental housing the Minister pointed that these are mere guidelines issued by MoHUPA and the state governments can choose to adopt them as is or make changes as they deem fit to adequately respond to local conditions.

On the theme of slums and their rehabilitation the Minister replied that housing and slums are a state subject and the demolition of slums, compensation thereto and regularization of slums come under the purview of State / UT Governments. When questioned about the tardy progress under various slum redevelopment programs the Minister replied that the main reasons for the low achievements are cost escalations, difficulties in making slum residents temporarily relocate in the case of in situ projects and lack of availability of encumbrance free land.

With respect to the theme of homelessness the Minister in response to a question shared that the responsibility of providing shelters to the homeless rests with the State/UT governments. In response to a question on what are the numbers of homeless staying in shelters the Minister replied that such data is not maintained by the Central Government. When questioned about the number of homeless people who have died on streets/ in open the response was the same that is "such data is not maintained by the MoHUPA".

About YUVA

Youth for Unity and Voluntary Action (YUVA) is a non-profit development organisation committed to enabling vulnerable groups to access their rights and address human rights violations. YUVA supports the formation of people's collectives that engage in the discourse on development, thereby ensuring self-determined and sustained collective action in communities. This work is complemented with advocacy and policy recommendations on issues.

YUVA (Youth for Unity and Voluntary Action)

YUVA Centre Sector 7, Plot 23, Kharghar,
Navi Mumbai – 410210, India